



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
<http://www.epa.gov/region08>

  
1079801 - R8 SDMS

**MAR 3 1 2003**

Ref: 8TMS-F

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Kerry Gee  
United Park City Mines  
P. O. Box 1450  
Park City, UT 84060

Re: Richardson Flat Tailings Superfund Site; Administrative  
Order on Consent 2000-19; Site No. 08-94; Oversight  
Billing

Dear Mr. Gee:

With this letter, the U. S. Environmental Protection Agency (EPA) is notifying you of United Park City Mines' noncompliance with the above-referenced Administrative Order On Consent for failure to: 1) pay EPA's oversight costs demanded by EPA's bill, BD084502T018A dated December 19, 2002, in a timely manner, or 2) properly invoke dispute resolution for some or all of the Future Response Costs demanded in accordance with Section XXII, paragraph 80 of the Administrative Order on Consent, EPA Docket #CERCLA-8-2000-19. As to Future Response Costs, Section XXII, Paragraph 76 states:

"Respondent shall, within 60 days of receipt of each accounting, remit a certified or cashier's check for the amount of all uncontested costs."

Specifically, United Park City Mines has not paid \$110,318.38 plus accrued interest in the amount of \$377.65 as of March 14, 2003. Paragraph 76 further states:

"Interest shall accrue from the later of : the date payment of a specified amount is demanded in writing; or the date of the expenditure."



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Interest is accruing on the unpaid amount in accordance with Section XXII, Paragraph 76 of the Administrative Order, from December 19, 2002 at 1.47% per annum, at a rate of \$4.44 per day. Interest will continue to accrue, per day, on the unpaid balance until such costs and accrued interest have been paid in full. As of March 14, 2003, interest has accrued in the amount of \$377.65. In addition, Section XIX, Paragraph 58 states:

"For each day that the Respondent fails to complete a deliverable in a timely manner or fails to produce a deliverable of acceptable quality, or otherwise fails to perform in accordance with the requirements of this Consent Order, Respondent shall be liable for stipulated penalties.....Payment shall be due within 30 days of receipt of a demand letter from EPA."

Payment is due immediately. If payment is not made within fourteen (14) days after the date of this notice, the payment amount, plus any accrued interest and penalties, may be referred to the Department of Justice for enforcement and collection. No additional EPA notice will be sent. The referral will also include enforcement costs, including attorneys' fees, as appropriate.

The manner and method of payment is set forth in paragraph 60 of the Administrative Order on consent which states:

"Respondent shall make all payments by forwarding a certified or cashier's check made payable to "EPA Hazardous Substance Superfund." Each check shall reference the name and address of the party making payment, the site name, the EPA Region and SSID Number 08-94, and the EPA docket number for this action, and shall be sent to:

Mellon Bank  
EPA Region VIII  
Attn: Superfund Accounting  
Lockbox 360859  
Pittsburgh, PA 15251-6859

Express Mail:

Mellon Bank  
3 Mellon Bank Center  
Room #153-2713  
Pittsburgh, PA 15259

Ref: Lockbox 360859  
Trish McKazeney (412)234-5805

or other such address as EPA may designate in writing or by wire transfer to:

ABA = 021030004  
TREAS NYC/CTR/  
BNF=/AC-68011008"

If you have any questions or wish to discuss this matter, or need to make further arrangements, please contact Martha Walker at (303) 312-6158. Unless otherwise advised in writing by EPA, any communications with EPA will not relieve you of your obligation to make the required timely payment as provided in this notice.

Sincerely yours,



Frank P. MacFadden, Director  
Financial Management Program

cc: Mr. Kevin R. Murray  
LeBoelf, Laub, Greene and MacRae  
Jim Christiansen EPR-SR  
Mia Wood ENF-L ✓  
Sharon Abendschan ENF-T